

RECEIVED
CENTRAL FAX CENTER

APR 22 2004

MORRISON & FOERSTER LLP

Attorneys at Law
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-5100
Facsimile: (858) 720-5125

OFFICIAL

To: U.S. Patent and Trademark Office
Examiner R. Prouty

Facsimile: 703-872-9306

From: Gregory P. Einhorn, Esq.

Date: April 22, 2004

We are transmitting a total of 55 pages (including this page).
Original or hard copy to follow if this box is checked ☐.

If you do not receive all pages, please call (858) 720-7937 as soon as possible.

Preparer of this slip has confirmed that facsimile number given is correct: 10550/JAR6

This facsimile contains confidential information which may also be privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not copy, use, or distribute it. If you have received it in error, please advise Morrison & Foerster LLP immediately by telephone or facsimile and return it promptly by mail.

Comments:

ATTORNEY DOCKET: 56446-2000120
GROUP ART UNIT: 1652
EXAMINER: R. Prouty
SERIAL NO.: 09/884,889
FILING DATE: June 19, 2001
INVENTOR(S): Jay M. SHORT et al.
TITLE: CATALASES

Papers attached:

1. Response and Amendment - 29 pgs.
2. Transmittal - 1 pg.
3. Fee Transmittal - 1 pg. + 1 copy for processing
4. Petition for Extension of Time - 1 pg.
5. Declaration Under 37 CFR§1.132 w/Curriculum Vitae - 15 pgs.
6. Example 14 of the USPTO Written Description Guidelines - 3 pgs.
7. Copy of Applicants' June 23, 2003 IDS - 3 pgs.

sd-195859

PTO/SB/21 (08-03)

Approved for use through 07/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

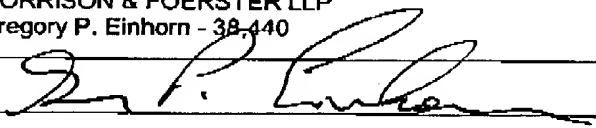
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;">(to be used for all correspondence after initial filing)</p>		Application Number	09/884,889
		Filing Date	June 19, 2001
		First Named Inventor	Jay M. SHORT
		Art Unit	1652
		Examiner Name	R. Prouty
Total Number of Pages In This Submission	54	Attorney Docket Number	564462000120

ENCLOSURES (Check all that apply)

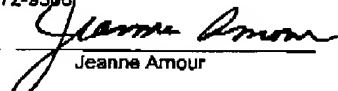
<input checked="" type="checkbox"/> Fee Transmittal Form + 1 copy <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply - 29 pages <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request - 1 pg. <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Declaration Under 37 CFR Section 1.132 with Curriculum Vitae - 15 pgs.; Example 14 of the USPTO Written Description Guidelines - 3 pgs.; copy of previously submitted IDS w/PTO form 1449 - 3 pgs.
Remarks Customer No. 25,225		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP Gregory P. Einhorn - 38-440
Signature	
Date	April 22, 2004

Certificate of Transmittal by Facsimile

I hereby certify that this correspondence is being transmitted by facsimile to the USPTO on the date indicated below to central fax number 703 872-9306

4/22/04 
 Date of Transmittal Jeanne Amour

sd-195855

PTO/SB/17 (10-03)

Approved for use through 7/31/2009. OMB 0651-0032
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) **475.00****Complete if Known**

Application Number	09/884,889
Filing Date	June 19, 2001
First Named Inventor	Jay M. SHORT
Examiner Name	R. Prouty
Art Unit	1852
Attorney Docket No.	564462000120

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number

03-1952

Deposit Account Name

Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) **0.00****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims			
Multiple Dependent			

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	280	2203	145	Multiple dependent claim, if not paid	
1204	66	2204	43	Reissue independent claims over original patent	
1205	18	2205	9	Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) **0.00**

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	130	Non-English specification	
1812	2,520	2812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	2804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	2805	1,840*	Requesting publication of SIR after Examiner action	
1231	110	2231	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	650	2253	475	Extension for reply within third month	475.00
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	840	2503	320	Plant issue fee	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	2807	50	Processing fee under 37 CFR 1.17(a)	
1806	180	2806	180	Submission of Information Disclosure Sheet	
8021	40	28021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	800	2802	800	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) **475.00****SUBMITTED BY**

Name (Print/Type) Gregory P. Einhorn

Signature

Gregory P. Einhorn

Registration No. (Attorney/Agent)

38,440

(Complete if applicable)

Telephone (858) 720-5100

Date

April 22, 2004

SD-195856

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Approved for use through 7/31/2006. OMB 0851-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 475.00

Complete if Known

Application Number 09/884,889
Filing Date June 19, 2001
First Named Inventor Jay M. SHORT
Examiner Name R. Prouty
Art Unit 1652
Attorney Docket No. 564462000120

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 03-1952

Deposit Account Name Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayment(s)

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	475.00
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1480	130	1480	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(a)	
1808	180	1808	180	Submission of Information Disclosure Sheet	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 475.00

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	180	2005	90	Provisional filing fee	

SUBTOTAL (1) (\$ 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	** =	x	=
Multiple Dependent	** =	x	=

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$ 0.00

** or number previously paid, if greater. For Reissues, see above

SUBMITTED BY

Name (Print/Type) Gregory P. Einhorn

Registration No. 38,440
(Attorney/Agent)

(Complete if applicable)

Telephone (858) 720-5100

Signature

Date

April 22, 2004

Duplicate Copy
For Fee Processing

SD-195856

Attorney's Docket No.: 56446-20001.20/-002006/D1100-4US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Short et al. (as amended)
Serial No. : 09/884,889
Filed : June 19, 2001
Title : CATALASES

Art Unit : 1652
Examiner : Rebecca E. Prouty, Ph.D.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICIAL

RECEIVED
CENTRAL FAX CENTER

APR 22 2004

RESPONSE AND AMENDMENT

Responsive to the non-final Office Action on the merits mailed October 22, 2003, Applicants respectfully request entry of the amendments and consideration of the remarks set forth herein. The response was initially due January 22, 2004. A Petition for a three month Extension of Time is included. Accordingly, this Response is timely filed.

Amendments to the specification are on page 2 of this paper.

Amendment to the Claims are reflected in the listing of claims which begin on page 10 of this paper.

Remarks begin on page 16 of this paper.

The following documents are also enclosed herewith:

- Transmittal letter;
- Petition for 3 month extension of time;
- Fee Transmittal;
- Copy of Applicants' June 23, 2003, IDS
- Example 14 of the USPTO Written Description Guidelines;
- Rule 132 expert declaration by Dr. Jay Short, and Dr. Short's credentials

Certificate of Transmission by Facsimile

I hereby certify that this correspondence is being transmitted by facsimile to the USPTO on the date indicated below to central fax number 703 872-9306.

4/22/04
Date of Transmission
Jeanne Armour